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DETERMINATION OF HUNGARY'S LAWS AND POLICIES WITH THE TRADE ACT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS DETERMINATION THAT THE LAWS AND POLICIES OF THE REPUBLIC OF HUNGARY ARE CONSISTENT WITH THE CRITERIA SET OUT IN SECTIONS 402(a) AND 409(a) OF THE TRADE ACT OF 1974, 19 U.S.C. 2432(a) AND 2439(a), PURSUANT TO 19 U.S.C. 2432(b) AND 2439(b)

OCTOBER 26, 1989.—Message and accompanying papers referred to the Committee on Ways and Means and ordered to be printed

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To the Congress of the United States:

I hereby transmit the documents referred to in Subsections 402(b) and 409(b) of the Trade Act of 1974 ("the Act"), 19 U.S.C. 2432(b) and 2439(b), with respect to the consistency of the emigration laws and policies of the Republic of Hungary with the criteria set out in Subsections 402(a) and 409(a) of that Act, 19 U.S.C. 2432(a) and 2439(a). These documents constitute my decision that a waiver of Subsections (a) and (b) of Section 402 of the Act will no longer be required for the Republic of Hungary.

I include as part of these documents my determination that the Republic of Hungary is not in violation of paragraph (1), (2), or (3) of Subsection 402(a) or paragraph (1), (2), or (3) of Subsection 409(a) of the Act. I also include information as to the nature and implementation of the emigration laws and policies of the Republic of Hungary and restrictions or discrimination applied to or against persons wishing to emigrate, including those persons wishing to emigrate to the United States to join close relatives.

GEORGE BUSH.

THE WHITE HOUSE, *October 26, 1989.*

REPORT TO CONGRESS CONCERNING
EMIGRATION LAWS AND POLICIES OF
THE REPUBLIC OF HUNGARY

Pursuant to Subsections 402 (b) and 409 (b) of the Trade Act of 1974 (hereinafter "the Act"), I have today determined that the Republic of Hungary is not in violation of paragraph (1), (2), or (3) of Subsection 402 (a), or of paragraph (1), (2), or (3) of Subsection 409 (a), of the Act.

That is, consistent with Subsection 402 (a) of the Act, the Republic of Hungary does not -

(1) deny its citizens the right or opportunity to emigrate;
(2) impose more than a nominal tax on emigration or on the visas or other documents required for emigration, for any purpose or cause whatsoever; or
(3) impose more than a nominal tax, levy, fine, fee, or other charge on any citizen as a consequence of the desire of such citizen to emigrate to the country of his choice.

Consistent with Subsection 409 (a) of the Act, the Republic of Hungary does not -

(1) deny its citizens the right or opportunity to join permanently through emigration a very close relative in the United States, such as a spouse, parent, child, brother, or sister;
(2) impose more than a nominal tax on the visas or other documents required for emigration described in paragraph (1); or
(3) impose more than a nominal tax, levy, fine, fee or other charge on any citizen as a consequence of the desire of such citizen to emigrate as described in paragraph (1).

Dramatically liberalized passport laws of the Republic of Hungary in 1988 greatly facilitated freedom of travel for Hungarian citizens. In 1988, over eleven million trips abroad were recorded. Hungarian passports, which are issued within two to four weeks of application, cost approximately eight dollars and are valid for five years for travel to anywhere in the world.

There are no known cases of passport refusals on political grounds. Although Hungarian law permits passports to be denied

on grounds of national interest, or if a citizen is under criminal indictment, serving a prison sentence, or has outstanding debts for which no provision for payment has been made, such denials amount to well under one percent of all passport applications.

With particular regard to emigration, the U.S. Embassy in Budapest received or approved petitions for 57 binational marriage immigrant visas in the past six months. All received exit permission from the Hungarian authorities. There was no need for U.S. intervention in any of these cases. There are no known cases of government refusal to allow emigration from Hungary, whether to join a close family member in the United States, or for any other reason.

On September 26, 1989, Hungary's Parliament enacted a new emigration law providing that it is the fundamental right of Hungarian citizens to select freely their place of residence and to emigrate from Hungary and return. These rights are limited in only exceptional cases: persons under indictment for crimes punishable by more than three years; persons serving prison sentences; persons with public debts who have not guaranteed payment; persons liable for military service who have not received authorized leave from the Defense Ministry; minors without a guardian's consent; persons who have not arranged support of an incapacitated dependent who will remain behind; and, for three years, those in possession of state secrets affecting national security interests.

Though the effective date of this law is January 1, 1990, the Republic of Hungary has in practice been following this law since last year.

THE WHITE HOUSE

WASHINGTON

October 26, 1989

Presidential Determination
No. 90-3

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974 -- Emigration Policies of the Republic of Hungary

Pursuant to the authority vested in me under the Trade Act of 1974 (Public Law 93-618, hereinafter "the Act"), I determine that the Republic of Hungary is not in violation of paragraph (1), (2), or (3) of Subsection 402(a) of the Act, 19 U.S.C. 2432 (a), or paragraph (1), (2), or (3) of Subsection 409(a) of the Act, 19 U.S.C. 2439(a).

You are authorized and directed to publish this Determination in the Federal Register.